



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <https://www.fcc.gov>  
TTY: 1-888-835-5322

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## FCC SEEKS NOMINATIONS FOR TRIBAL GOVERNMENT REPRESENTATIVES TO SERVE ON RENEWED FCC NATIVE NATIONS COMMUNICATIONS TASK FORCE

The Federal Communications Commission (“Commission”) has long recognized that it shares a unique trust relationship with Tribal Nations.<sup>1</sup> This unique government-to-government relationship guides the Commission in its dealings with Tribal Nations and in the Commission’s efforts to promote Tribal self-sufficiency, economic development and access to communications facilities and services. As part of these undertakings and to ensure that the concerns of Tribal governments are considered in relevant Commission proceedings, the Commission created the FCC-Native Nations Broadband Task Force (“Task Force”).<sup>2</sup>

Since its establishment in March 2011, the Task Force has been composed of senior Commission staff and elected or appointed leaders from federally recognized Tribal governments or governmental entities, or their designated employees, and has helped the Commission fulfill its commitment to increasing broadband deployment and adoption on Tribal lands.<sup>3</sup> In view of the Task Force’s increasing involvement in a range of Commission matters and undertakings going beyond broadband deployment and adoption, today the Commission, through its Office of Native Affairs and Policy (“ONAP”), finds it appropriate to renew the Task Force as the “FCC Native Nations Communications Task Force” and seeks applications for membership on the Task Force.

The renewed Task Force’s mission will be to make recommendations to the Commission on communications-related issues that affect Tribal interests. The Task Force is intended to provide an effective means for Tribal thought leaders to exchange ideas and develop recommendations to the Commission on, among other things, the availability of communications facilities and services – including, but not limited to broadband – on Tribal lands, which will in turn enhance the Commission’s

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<sup>1</sup> *Establishing a Government-to-Government Relationship with Indian Tribes*, Policy Statement, 16 FCC Rcd 4078 (2000).

<sup>2</sup> See *FCC Establishes FCC-Native Nations Broadband Task Force and Seeks Nominations for Tribal Representatives*, Public Notice, DA 10-1008, 25 FCC Rcd 7137 (2010); see also *Connecting America: The National Broadband Plan* (rel. Mar. 16, 2010) at 184 (Recommendation 9.14) available at <http://www.broadband.gov/plan/>.

<sup>3</sup> See *Chairman Genachowski Names Members to the FCC-Native Nations Broadband Task Force*, Public Notice, 26 FCC Rcd 2467 (2011); see also *Chairman Wheeler Renews FCC-Native Nations Broadband Task Force*, Public Notice, 29 FCC Rcd 13437 (2014). The Task Force has 31 members comprised of 20 representatives of Tribal Nations and 11 FCC senior officials and is led by two Co-Chairpersons – a Commission Co-Chair, Chief of the Office of Native Affairs and Policy, and a Tribal Co-Chair elected by the Tribal Members.

ability to carry out its statutory responsibilities to ensure the availability of communication by wire and radio and encourage broadband deployment to all Americans.<sup>4</sup>

The issues to be considered by the Task Force may include, but are not limited to: (i) executing the Commission's Tribal Consultation policy; (ii) identifying barriers to broadband deployment that are unique to Tribal lands; (iii) ensuring Tribal concerns are considered in all Commission proceedings related to broadband and other Commission undertakings that affect Tribal interests regarding communications services and facilities.

Pursuant to the "intergovernmental communication" exemption in Section 204(b) of the Unfunded Mandates Reform Act of 1995 ("UMRA"), 2 U.S.C. § 1534(b), the Task Force will not be subject to the requirements or procedures set forth in the Federal Advisory Committee Act ("FACA"), 5 U.S.C. App. 2 (1988). Section 204(b) of UMRA provides an exemption from FACA for intergovernmental communications involving meetings between Federal officials and Federal employees and "elected officers of State, local and Tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities." Therefore, applicants for the Task Force must be individuals who satisfy these requirements.

By this *Public Notice*, we seek nominations for membership on this Task Force. The Commission intends to establish the Task Force for a period of three years, with an expected start date in the Spring of 2018.

**Nominations for membership must be submitted to the FCC no later than March 31, 2018.** Procedures for submitting nominations are set forth below.

#### **WHO MAY APPLY FOR MEMBERSHIP**

In renewing the Task Force, the Commission seeks to balance representation of certain regions and the subject-matter expertise of the Task Force. The Commission is particularly interested in applicants with diverse professional experience and backgrounds in broadband, telecommunications, broadcast, information technology, and infrastructure deployment and adoption. Applicants should be elected leaders from federally recognized Tribal governments or governmental entities, or their designated employees.

The Commission will select Task Force members to balance the expertise and viewpoints necessary to effectively address the issues to be considered by the Task Force, and to ensure appropriate representation of diverse Tribal views. Members also have an initial and continuing obligation to disclose any interests in, or connections to, persons or entities who are or will be regulated by, or who have interests before, the Commission.

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<sup>4</sup> See 47 U.S.C. § 151; 47 U.S.C. § 1302.

## **OBLIGATIONS OF TASK FORCE MEMBERS**

Members will serve at the discretion of the Chairman of the Commission. The Task Force meets in person twice a year, with one meeting held at the Commission in Washington, DC and the other held in the field. The Task Force supplements these semiannual meetings with four teleconferences. While full participation is expected, Task Force members are required to attend fifty percent (50%) of the annual meetings, to include at least one in-person meeting, and at least two teleconferences. Attendance in person is at the Task Force member's own expense.

## **APPLICATION PROCEDURE, DEADLINE AND MEMBER APPOINTMENTS**

**All nominations should be received by the Commission as soon as possible, but no later than March 31, 2018.**

### **Applicants**

No specific nomination form is required; however, each nomination must include the following information:

- Name and position of the applicant with respect to a Tribal government;
- Telephone number;
- Mailing address and/or e-mail address;
- A brief description of the applicant's area(s) of expertise and qualifications to serve on the Task Force;
- A nominating letter from the relevant elected Tribal government official or officials in support of the applicant.

### **Designated Employee**

In the case of a person seeking to serve as a "designated employee," the name of the elected officer on whose behalf the employee would be acting and a copy of the officer's designation letter is also required. A designated employee must be on the staff of a Tribal government, and part of the governmental process. The designated employee's experience and qualifications should be commensurate with the functions of the Task Force, and not ministerial, such as a professional or administrative assistant.

Because the "intergovernmental communication" exemption, as applied to the Task Force, is institutional in nature, the exemption covers Federal communications with elected officers or their designated employees involved in the governmental process at the Tribal level. Before the first meeting of the Task Force, those seeking nomination as a "designated employee" should provide a letter or other documentation from the elected officer of the Tribal government for whom the employee would be acting, advising the Commission that such employee is duly authorized to act on such official's behalf. Following these procedures will ensure the Task Force may operate with adequate flexibility and within its FACA-exempt status.

### **Alternates**

The application for a new appointment to the Task Force should include the nomination of an alternate representative who can participate in the case of the primary member's lack of availability for a meeting or tasks. An alternate's participation will not count towards the participation of the primary member, and should the primary member cease to serve or qualify to serve, the alternate does not become a replacement. The alternate representative's experience and qualifications should be commensurate with the functions of the Task Force, and not ministerial, such as a professional or administrative assistant.

### **Expiration of Task Force Membership or Removal**

In the case of an elected or an appointed Tribal representative no longer holding office in a Tribal government, or a Tribal designated employee no longer employed by the Tribal government, the Tribal representative must give notice to the Task Force and his/her seat on the Task Force expires immediately with the expiration of their elected or appointed term, or period of employment, in the case of a designated employee. Task Force members who do not attend at least one in-person meeting and participate in at least two teleconferences a year will be removed from the Task Force. Members of the Task Force who fail to disclose any interests in, or connections to, persons or entities that are or will be regulated by, or who have interests before, the Commission, will be removed from the Task Force.<sup>5</sup>

### **Nominations**

All nominations, including the requisite statements listed above, should be submitted by email to [native@fcc.gov](mailto:native@fcc.gov). If submitting the required information through email is not possible, please contact Janet Sievert at (202) 418-1362 (voice) to determine another method of delivery. If submitting by regular mail, send to: Federal Communications Commission, Office of Native Affairs and Policy, Attention: Janet Sievert (4B-544), 445 12<sup>th</sup> St., S.W., Washington, D.C. 20554.

### **Accessible Formats**

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

### **Additional Information**

For additional information, please contact Janet Sievert, Legal Advisor, Office of Native Affairs and Policy, (202) 428-1362 (voice) or [janet.sievert@fcc.gov](mailto:janet.sievert@fcc.gov).

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<sup>5</sup> Vacancies on the Task Force that are the result of attrition will be filled in a similar nomination process initiated by the Commission.